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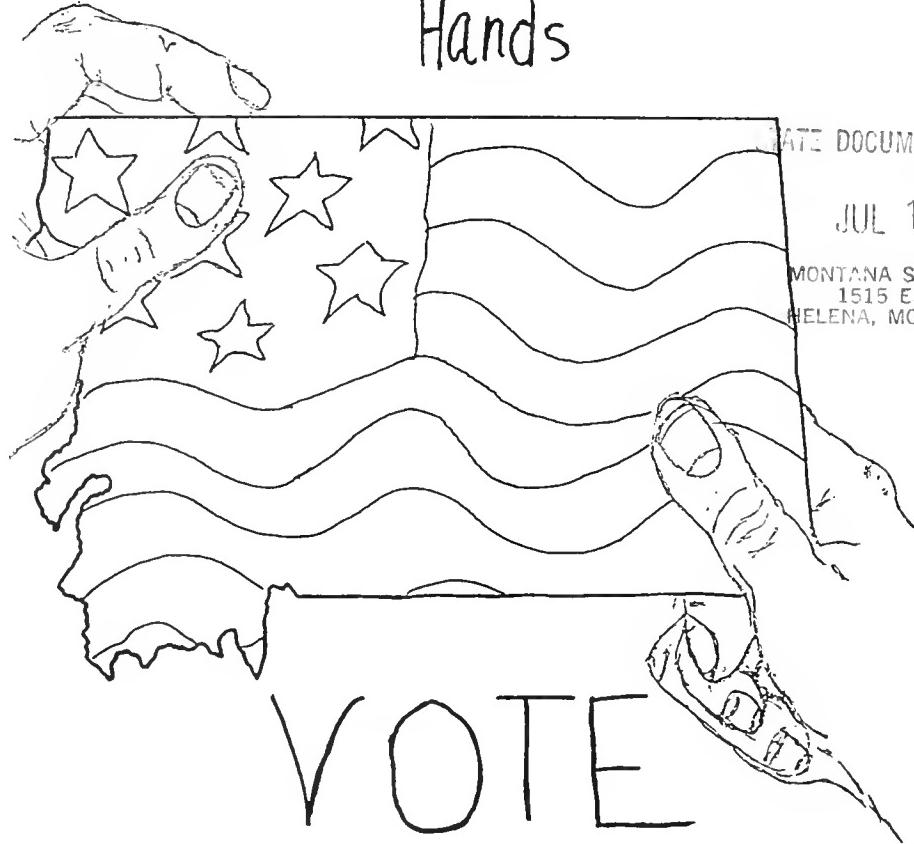


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# 6 VOTER INFORMATION PAMPHLET

Cast your vote on November 5th!

The Future is in Your  
Hands



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The cover's drawing was done by Katie Barrett, of Bonner Elementary School,  
winner of the Voter Information Pamphlet cover contest.

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*Published by Secretary of State Mike Cooney*  
P.O. Box 202801- Helena, Montana 59620 - Phone 1-888-884-VOTE (8683)

Web site <http://www.mt.gov/sos/soshp.htm>

Mike Cooney  
Secretary of State



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Montana State Capitol  
PO Box 202801  
Helena, MT 59620-2801

Dear Fellow Montanans:

This Voter Information Pamphlet (VIP) has been put together to provide you with information on each statewide ballot measure on which you will be voting. Please feel free to mark up your copy of the VIP and also remember that you may take it with you into the polls when you go to vote.

If you are not registered to vote or know someone who is not, remember that October 7th is the deadline for registering. Below you will find a voter registration card that you may complete and send into your county election administrator. October 7th is the last date to register for the November 5th election.

If you have questions on voter registration or elections in general, please contact my office directly on the toll free hot-line I have set up for this specific purpose. That number is **1-888-884-VOTE (8683)**. Large print versions of this pamphlet, as well as an audio version on cassette are available through your local library or by calling our toll free number.

See you at the polls on Tuesday, November 5th!

Sincerely,

*Mike Cooney*  
Mike Cooney

**Mike Cooney  
Secretary of State**

You have the right to vote if you are at least 18 years old, a U.S. citizen, and have resided in Montana for at least 20 days.

Your right to vote is secured by being properly registered in the precinct where you reside.

You have the right to register to vote, either in person or by mail, simply by completing a registration card and delivering it to your county Election Administrator before the deadline (30 days prior to any election).

You have the right to register to vote even if you do not yet satisfy the

age or residency requirements as long as you will by the election.

Your right to vote must be maintained. For state elections, you must participate in at least one general election - the presidential - every four years. For federal elections, you may not be purged for not voting. You must notify local election officials of any changes you make in your name or place of residence.

Your right to vote in state elections is abridged by missing any presidential election because your registration will be canceled within 60 days. In that event, you need to re-register before your right to vote in state elections is resecured. You may still be able to vote in federal elections.

# CONSTITUTIONAL AMENDMENT 30 (C-30)

How the issue will appear on the ballot

## CONSTITUTIONAL AMENDMENT NO. 30 An amendment to the Constitution proposed by the Legislature

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION TO REPLACE THE BOARD OF EDUCATION, THE BOARD OF REGENTS, AND THE COMMISSIONER OF HIGHER EDUCATION WITH THE DEPARTMENT OF EDUCATION AND A STATE EDUCATION COMMISSION; PROVIDING TRANSITIONAL INSTRUCTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to eliminate the Board of Regents of Higher Education, the State Board of Education, and the Commissioner of Higher Education, and replace them with a Department of Education, with a director appointed by the Governor. It would also create an eight-member appointed State Education Commission whose duties would be determined by the Legislature. The Board of Public Education, which has general supervision over the public school system, would not be eliminated. If approved, the measure would not take full effect until January 1, 2001.

**FISCAL STATEMENT:** Although the current budget for staff in the Office of Commissioner of Higher Education is approximately \$2.4 million per year, the actual fiscal impact of the constitutional amendment cannot be determined at this time, as it would depend upon a budget proposed by the governor and approved by the legislature.

- FOR replacing the board of education, board of regents, and commissioner of higher education with a department of education and a state education commission.
- AGAINST replacing the board of education, board of regents, and commissioner of higher education with a department of education and a state education commission.

### **PROONENTS' ARGUMENT FOR C-30**

Governor Racicot not only supports C-30, but has participated in preparing the following reasons as to why the public should support modifying the current governance form of higher education.

The educational system has been studied twice in the last seven years. The "Education Commission for the Nineties & Beyond" had nearly 100 public meetings and submitted recommendations in 1990. The "Governor's Task Force to Renew Montana Government" submitted recommendations in 1994.

The general finding, of both studies, has been that a lack of continuity and accountability exists in the K-12 and higher education system. This is best stated by the following excerpt from Governor Racicot's response to the Task Force: "A matter of concern to many and confusion to most is the cumbersome combination of two appointed Boards with varying degrees of authority, a Board-

appointed Commissioner, an elected Superintendent who serves the dual role of advocate and manager, and a Governor who is responsible for a \$1.8 billion general fund budget, of which 60% is dedicated to education. The arrangement begs the question as to how, when, and who is held accountable for the state-wide effectiveness and efficiency of public education."

In essence, the three boards, the Board of Public Education, the Board of Regents, and the combination of both boards, which is the State Board of Education, have operated independently of each other for more than 20 years, contrary to the intention of the 1972 Constitution. But, more to the point, they have operated independently of any executive branch agencies, and in the case of the Board of Regents, at least somewhat independently of the Legislature.

A specific matter of concern is the absence of a statutory responsibility of the Governor to assess

fully the appropriate line between education policy and expenditures required to carry out the duties of the Office of Public Instruction or the Board of Regents. Also, how does the Governor coordinate an educational policy with the budget, as well as defend the budget requests of others, when there is not a direct line of accountability?

Montanans want cooperation that results from shared vision, joint long-range planning and combined resources as well as an education governance structure that requires accountability and efficiency. This means one point of responsibility for budget determinations and distribution of funds, as well as for policy development and technical program assistance. That structure needs to be responsible and responsive to the people through their elected officials, including school district trustees, legislators, and governors.

The barriers to long-range planning and a unified budget are not only constitutional and statutory, but they are the result of past practice, tradition and philosophy which has long been embedded in the education structure.

The basic question is: "Who should make decisions about the administration of higher education"? This Constitutional Amendment, C-30 will allow the public to reclaim ownership, responsibility, and authority for the university system in Montana by holding the Governor and Legislature accountable for their actions.

#### The Students Will Benefit.

This measure's PROPOONENTS' argument and rebuttal were prepared by Senator John Hertel and Representative H.S. "Sonny" Hanson.

### **OPPONENTS' ARGUMENT AGAINST C-30**

#### **CA-30 Would Shift Control to Politicians, Adding Costs and Bureaucracy**

Montana's higher education system is a valuable asset. Constitutional Amendment 30 would endanger that asset by changing the way the higher education system is governed.

CA-30 would bring four years of confusion and political deal-making to higher education. CA-30 would weaken fundamental constitutional protections. CA-30 would establish a brand new

bureaucracy -- and, because CA-30 is vague and ill-defined, no one knows for sure what duties and powers the new bureaucracy would have.

CA-30 would also shift power from a citizen board and put politicians in charge. This would make our University system more costly, more bureaucratic and more subject to the whims of politicians. A "No" vote on CA-30 will maintain the independence and integrity of our University system.

#### **CA-30 Takes Away Existing Constitutional Protections**

The current system was established by the 1972 Constitutional Convention. The duties and responsibilities of the Board of Regents were included in the Constitution because of the importance of higher education. Under CA-30, we would lose that Constitutional protection: higher education would be subject to the whims of the legislature.

#### **CA-30 Creates Bureaucracy and Puts Politicians in Charge**

CA-30 would create a new "department" of education-- an open invitation to bureaucratic expansion. CA-30 would also transfer more decision-making power to the legislature. The legislature is a place of compromise and deal-making -- hardly the environment for high quality education.

How you vote on CA-30 is an important decision that deserves careful thought. Before you vote, consider the following:

#### **CA-30 Will Cause Confusion and Deal-Making**

Currently the Governor appoints the Board of Regents and the Regents appoint the Commissioner of Higher Education. CA-30 would create a new Education Department with its own commission. But the current Board of Regents and Commissioner of Higher Education would continue to serve until 2001. The overlapping systems would bring confusion, deal-making and higher costs.

#### **CA-30 is Unnecessary.**

The Constitution already provides for a Board of Education made up of the Board of Regents and

the Board of Public Education and headed up by the governor. The constitutional purpose of this combined board is to coordinate the Kindergarten through 12 grades (K-12) and University systems. There is no need to meddle with the Constitution.

### **CA-30 is Vague**

In the current system, the Board of Regent's role is clearly defined by the Constitution. CA-30 would let the legislature decide what powers to give the new commission. It could change from legislature to legislature.

### **Will the K-12 system be next?**

CA-30 would create a new "department" to run the University system. How long before this new department begins lobbying the legislature for control of Kindergarten through 12th grade schools too? That could lead to a serious loss of local control of Montana's grade schools and high schools.

A "No" vote will maintain the independence and integrity of our University system and stop unnecessary changes to the Montana Constitution.

**This measure's OPPONENTS' argument and rebuttal were prepared by Senator Vivian Brooke, Representative George Heavy Runner, and Shelley Hopkins.**

### **PROPONENTS' REBUTTAL OF THE ARGUMENT OPPOSING C-30**

The amendment will add no cost to the operation of the University System, as claimed by the opponents. Many legislators believe that the 77 employees in the Office of the Commissioner of Higher Education can be reduced.

The University System wants to maintain complete control without any accountability to the public. They argue that they do not have constitutional protection now because the legislature has "the power of the purse" but then turn around and state they must retain their present constitutional protection. They can't have it both ways. The truth of the matter is that the legislature has limited "power of the purse" over the University System. The Regents can raise student tuition anytime and then amend their legislatively approved budget to spend that increase.

The decision-making powers the opponents claim are being lost is a deliberate misrepresentation of C-30. The legislature will have a broadened authority to pass laws governing the system -- authority that applies to every other state agency. One has to wonder why they believe that an agency of government should not be responsible to the elected representatives of the people. Its called "accountability by checks and balance."

"Power corrupts. Absolute power corrupts absolutely." This has been clearly demonstrated by acts of the Regents. Their uncontrolled financial management and disposing of public lands, are two clear examples.

K-12 Education does not have the constitutional authority that the Regents do. K-12 local school boards work with the legislature and governor for the benefit of the student.

### **OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING C-30**

The statement of the supporters of CA-30 does not speak to this initiative. It makes a case for legislation that was defeated by the 1995 Legislature.

Proponents say CA-30 will allow the public to reclaim control of the university system. Actually, CA-30 will allow politicians to take control of the university system by eliminating a citizen board and creating a new department of state government. This would transfer decision-making power from the citizens to the legislature. As a place of deal-making and compromise, the legislature is hardly the thoughtful and deliberate atmosphere desired to plan for quality education.

When CA-30 goes fully into effect in 2001, Marc Racicot will no longer be our governor. Since we cannot predict future governors' attitudes toward education, we should not deprive the higher education system of its constitutional safeguards and independence from political maneuvering.

Supporters say that CA-30 will address continuity and accountability issues in the K-12 system. K-12 is not even mentioned in CA-30. Eliminating local control of elementary education, however, may be the next target.

The Constitution provides for a Board of Education chaired by the Governor and made up

of the Board of Regents and the Board of Public Education, both of which are appointed by the governor. The constitutional purpose of this combined board is to coordinate the K-12 and the university system. CA-30 eliminates this board,

thereby eliminating all coordination.

Please don't meddle with the Constitution. It works.

## **CONSTITUTIONAL AMENDMENT 31 (C-31)**

### How the issue will appear on the ballot

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#### **CONSTITUTIONAL AMENDMENT NO. 31** An amendment to the Constitution proposed by the Legislature

#### **AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO ALLOW STATE COMPENSATION INSURANCE FUND MONEY TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK.**

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to allow monies in the state workers' compensation insurance fund to be invested in private corporate capital stock. Currently, the Constitution prohibits such investment of public funds except for monies contributed to retirement funds. Like pension funds, workers' compensation investments would be managed by the State Board of Investments in accordance with recognized standards of financial management.

**FISCAL STATEMENT:** If the Montana Board of Investments had invested the maximum of 15% of the State Fund's assets in common stock in FY95, additional income would have been generated. The Montana Common Stock Pool twenty-year return average was 14.78% compared to the State Fund's FY95 return of 10.13%.

- FOR allowing state compensation insurance fund money to be invested in private corporate capital stock.
  - AGAINST allowing state compensation insurance fund money to be invested in private corporate capital stock.
- 

#### **PROONENTS' ARGUMENT FOR C-31**

Over time, higher investment earnings on the assets of the State Compensation Insurance Fund (State Fund) can help ensure money is available to pay benefits to workers and help hold down premiums paid by employers. While past performance is no guarantee of future results on any type of investment, the average annual total return on corporate stock has been substantially higher than on bonds for nearly 100 years.

Currently, the Board of Investments invests the State Fund's money solely in bonds. If approved, this referendum would allow the Board to invest a portion of the State Fund's assets in corporate stock, with the remainder continuing to be

invested in bonds. A related statute, effective on passage of this referendum, would limit the investment in corporate stock to 15% of the State Fund's assets. The 15% would be invested in the same stocks in which a portion of the pension funds for state employees and teachers is currently invested. Over half of all state funds throughout the country have a portion of their assets invested in corporate stocks. Passing this measure should help hold down state workers compensation premiums.

This measure's PROONENTS' argument and rebuttal were prepared by Senator Tom Keating, Representative David Ewer, and Teresa Olcott Cohea.

### **OPPONENTS' ARGUMENT AGAINST C-31**

The State Compensation Insurance Fund was set up to help those who were injured or suffered loss from injury on the job. Since injuries don't happen on an even schedule, there are highs and lows as far as the need for cash is concerned, and liquidity is required to pay claims on a day-to-day basis. To meet these varying needs money has been held in a type of reserve to make payments through the high demand times. The drafters of the Constitution were wise in not allowing these funds to be put into speculative investments where the principle could be lost as happened in Los Angeles, counties in Maryland and Ohio.

The need to keep insurance rates down increases the use of any reserves; in fact, the fund was not set up to "make money" any amount above a reasonable reserve should be used to reduce rates to businesses. Nineteen ninety-four was not a profitable year for the stock market. Common stock should be viewed as a long-term investment, not intended for funds that may be needed at any time. In addition, the state fund is under consideration for privatization, and a solid, conservative investment portfolio (presently returning 10.13% in 1995) should be left in tact.

Who picks up the shortfall when losses occur or stock needs to be sold in a low market? First the employer pays until he or she starts taking his/her business out of State; only a few years ago Workers Compensation Rates was one of the main reasons for businesses leaving the state. Then the State goes to the taxpayer, the Old Fund Liability Tax is a perfect example. We can learn from our own history and that of other governments. The funds held in reserve need to be held as a trust and not available for creative speculation like personal funds.

This measure's OPPONENTS' argument and rebuttal were prepared by Senator Daryl Toews, Representative Betty Lou Kasten, and Representative Ray Peck.

### **PROPONENTS' REBUTTAL OF THE ARGUMENT OPPOSING C-31**

The State Fund has sufficient liquidity to pay current claims and reserves for many years.

Currently, the State Fund has \$517,000,000 - \$36,000,000 cash and \$481,000,000 invested in bonds. Approximately \$90,000,000 per year is used to pay claims and expenses, with the rest held

in surplus and reserves. Under C31, only 15% (\$78,000,000) would be invested in stocks, with the remainder still invested in bonds. Since claims are paid out over many years, it makes sense to have long-term investments that match long-term costs.

#### Diversified portfolios decrease risk and increase potential returns.

Historical data for the last 70 years shows that a portfolio comprised of 15% stock and 85% bond had less risk than a 100% bond portfolio and higher average annual returns. Orange County suffered losses because it invested in bonds and speculative interest-rate derivatives, not in stocks. 1994 was a difficult year for both stocks and bonds, with bonds losing 2.9% in value. Stocks, however, were positive for the year (+ 1.3%), so a diversified portfolio of stocks and bonds did better than a 100% bond portfolio. Over the last 20 years, the Board of Investments has had an average annual return of 14.78% on the stock portion of the state's pension funds.

#### Increased returns help hold down employers' costs.

By law, higher returns on the State Fund must be used in setting workers compensation rates for employers. Allowing the State Fund to invest a small portion of its assets in stocks will provide greater potential returns and diversification.

### **OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING C-31**

Stocks have out performed bonds, but will enough be gained through the riskier investment? In the past 70 years (1925-95) 20 years were down periods. The historical average return has been 10.14%. The State Bonds experience for equities over 69 years has been 10.2% annual return for large company stocks. Worker's Comp Fund 1995 return was 10.13%.

The fund is managed as a short to intermediate term (10 Yr.), tax exempt account. It is only since 1993 that there has been substantial reserves over the short term liquidity requirement to even consider different investments, since then we have shown restraint in our investment philosophy. Many agree that the future will probably tend more toward the average rather than the highs.

Is this really the time for more risk?

# CONSTITUTIONAL AMENDMENT 32 (C-32)

*How the issue will appear on the ballot*

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## CONSTITUTIONAL AMENDMENT NO. 32 An amendment to the Constitution proposed by the Legislature

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE SHALL MEET IN REGULAR SESSION BIENNIALLY IN EVEN-NUMBERED YEARS OR IN ODD-NUMBERED YEARS; AND PROVIDING A DELAYED EFFECTIVE DATE.

The Legislature submitted this proposal for a vote. The Montana Constitution currently requires the State Legislature to meet in odd-numbered years for no longer than 90 days. This proposal would amend the Constitution to require that the Legislature meet only once every two years. This would allow the Legislature to hold its regular sessions in either even-numbered or odd-numbered years, but not both. It would retain the 90-day limit for regular legislative sessions. If passed, the measure would take effect January 1, 1998.

**FISCAL STATEMENT:** There would be no additional fiscal impact, although if the legislature chooses to meet in even-numbered years, the expense for the biennial session would be moved forward one year.

- FOR restricting the legislature to meeting in regular session for 90 days in either even-numbered or odd-numbered years, but not both.
  - AGAINST restricting the legislature to meeting in regular session for 90 days in either even-numbered or odd-numbered years, but not both.
- 

## PROPONENTS' ARGUMENT FOR C-32

### **Introduction**

If you want **more responsible government** and **greater citizen involvement** in public decision-making, you should vote **FOR C-32**. Under existing requirements, the legislature meets for 90 days in "odd-numbered years" -- only two months after the November elections. The even-year option presented by C-32 will give citizens, small businesses and legislators more time to understand the impacts proposed laws and policies will have on our work, our taxes, and our Montana way of life.

### **Drawbacks to Current System**

Too little time to:

- Organize legislature, appoint committees, have proposed legislation drafted
- Review proposed laws, taxes and policies and notify public of hearings and committee action
- Review Governor's proposed budget, government spending levels, taxation

### **Result**

**Current system produces a hectic process that effectively excludes most citizens and small**

**businesses and makes it very difficult for the average Montanan to have meaningful input to important public policy decisions.**

### **Benefits provided by C-32**

C-32 would amend the constitution to allow the legislature to meet for 90 days in even-numbered years, but does not allow for annual sessions. This would give the legislature as much as a year to:

- organize the legislative session and prepare legislation
- submit proposed legislation to the public for review and comment
- schedule legislative hearings well in advance to promote citizen participation

### **Result**

**Gives all Montanans a much greater opportunity to thoughtfully consider the benefits and drawbacks of any proposed new law, budgetary, or taxation proposal and let their elected officials know how they feel about important issues. The current system severely hinders the opportunity to change government in response to the will of the people.**

**This proposal is widely supported by members of**

**both major political parties and many who have tried to take part in the legislative process. If you think it is important for citizens and small businesses to be heard in the halls of the state Capitol, then please vote FOR C-32 and bring good planning, better process and more meaningful public participation in government to Montana.**

This measure's **PROONENTS' argument and rebuttal** were prepared by Senator Steve Benedict and Representative Larry Hal Grinde.

#### **OPPONENTS' ARGUMENT AGAINST C-32**

C-32 is a bad idea because it will create more problems than it can ever hope to solve.

Having the legislature meet in even numbered years instead of meeting in odd numbered years will have the following negative consequences:

1. Elections will lose their purpose. Instead of allowing the democratic process to bring about needed and expected changes after the election is over, voters will have to wait for more than a year after they have voted a slate of legislators into office for those legislators to carry out the will of the people;
2. Even worse, in the meantime, lobbyists and special interests will have had plenty of time to make their case with the new legislators so that they are likely to forget why they were even elected in the first place;
3. When legislators finally do meet, it will be in an election year. Many legislators will then be reluctant to take any tough stands on issues for fear of alienating voters or they might well spend large amounts of time posturing for campaign purposes;
4. Legislative leaders will have much more control over the entire legislative process because the additional time between the election and the start of the session will allow them to manipulate committee memberships, caucus positions, and timing of hearings so as to further their own agendas;
5. Because the whole idea will eventually fail, the Constitution will either have to be amended to direct the legislature to only meet in odd numbered years or the legislature is likely to meet every year, in both odd and even numbered years.

In other words, we are voting now for annual sessions under the guise of a vote for even numbered year sessions. Annual sessions might be a good idea but never in such a back door or unintentional fashion.

We should not tamper with the Montana Constitution to try out this questionable scheme. If this is really the great idea its proponents claim that it is, then we should try it once or twice on an experimental basis without amending the constitution. We can do that under current law. Until we're sure it's broke, let's not fix it!

This measure's **OPPONENTS' argument and rebuttal** were prepared by Senator Fred Van Valkenburg, Representative Carolyn Squires, and Sheila Rice.

#### **PROONENTS' REBUTTAL OF THE ARGUMENT OPPOSING C-32**

Opponents to C-32 are grasping at straws to maintain "politics as usual" and special interest domination of the legislative process. **C-32 will give citizens and small businesses more opportunity to communicate with those they elect regarding proposed legislation, taxation and regulatory issues.**

With C-32, legislators would remain in their home towns after the elections and be available to discuss the issues with local citizens. They can then produce sound long-term policy based on the collective wisdom of all Montanans.

Opponents also fear having the legislature meet in an election year. But having the actions of the legislature fresh in the minds of the voters is likely to increase, not decrease, accountability to the citizens.

C-32 does not mandate even year sessions, it only presents the legislature with an option. Supporters of C-32 believe this measure will benefit all Montanans by providing citizens and small businesses with more input to important public policy decisions. If, for any reason, this does not occur, no further changes are needed to return to the current system.

Finally, **C-32 specifically prohibits annual sessions.** Opponents are misleading the public by suggesting otherwise. If you want to strengthen citizen

involvement and weaken special interest influence in the legislature, please vote **FOR C-32**.

#### **OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING C-32**

The proponents of CI-32 make their best argument when they say that Montanans have too little time to offer input on proposed legislation under the current system. However, they make virtually no argument as to why Montanans need more than a year to prepare for the legislative session.

Under the current system, the legislature could meet for a short period of time in January of an odd numbered year, recess for a month or so to allow for more public input and still finish its work by April or May of the same year.

Regardless the proponents' claims, annual

sessions are inevitable if they succeed. First, legislators will be working virtually full time during even numbered years while the "new" public input is taking place. Then, inevitably, some emergency will arise, which will bring about a call for a special session. Finally, everyone will concede that as long as legislators are working full time and special sessions are taking place regularly, annual sessions make more sense.

This proposal is not as widely supported as the proponents would have you believe. It has been rejected in the legislature twice before and on both occasions opposed by a bi-partisan group of experienced legislators.

Don't be fooled. CI-32 is no panacea to all that is wrong in the legislative process. The fact is that this proposed amendment to the constitution could well do more harm than good.

## **INITIATIVE 121 (I-121)**

### *How the issue will appear on the ballot*

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#### **INITIATIVE 121** A law proposed by initiative petition

Since 1991, Montana has followed the minimum wage set by Congress, which is currently \$4.25 per hour. This initiative would amend Montana law to re-establish a state minimum wage, unless a higher amount is set by federal law. The minimum wage, excluding tips, would be:

- \$4.75 per hour beginning January 1, 1997;
- \$5.25 per hour beginning January 1, 1998;
- \$5.75 per hour beginning January 1, 1999; and
- \$6.25 per hour beginning January 1, 2000.

The minimum wage rate for businesses with \$110,000 or less in annual gross sales would remain \$4.00 per hour.

**FISCAL STATEMENT:** Employees receiving an increase in the minimum wage may pay more income tax. However, businesses paying the increased wage are allowed to deduct the increase in full, resulting in a decrease in income and corporation tax revenue. The overall net impact is estimated to be negligible.

- FOR gradually raising the minimum hourly wage in Montana from \$4.25 to \$6.25 by the year 2000, unless higher wages are required by federal law.
  - AGAINST gradually raising the minimum hourly wage in Montana from \$4.25 to \$6.25 by the year 2000, unless higher wages are required by federal law.
-

### **PROPONENTS' ARGUMENT FOR I-121**

**REWARD WORK!** Vote FOR gradually raising Montana's minimum wage 50¢ a year from today's \$4.25 an hour to \$6.25 an hour in the year 2000, four years from now:

- . \$4.75 per hour beginning January 1, 1997;
- . \$5.25 per hour beginning January 1, 1998;
- . \$5.75 per hour beginning January 1, 1999; and
- . \$6.25 per hour beginning January 1, 2000.

**REWARD WORK!** The purpose of the minimum wage is to assure the maintenance of the minimum standard of living necessary for the health, efficiency and well-being of workers. A person working full-time at today's minimum wage, \$4.25 an hour, makes \$8,840 per year. That's not enough to lift a family of 2 out of poverty. Families can't survive on \$4.25.

**REWARD WORK!** 60% of those who earn minimum wage are women. Nearly half of all minimum wage workers are 25 years old or older. They provide 45% of their family's total earnings. They represent hard-working Montana families on the edge of economic catastrophe.

**REWARD WORK!** There has been no increase in the minimum wage since 1991 -- 5 years. There was no increase in the minimum wage from 1981 to 1990 -- 9 years. To equal the value it had in 1968, the minimum wage would have to be \$6.24 an hour -- right now.

**REWARD WORK!** 101 economists have endorsed a modest increase in the minimum wage, saying it would have little, if any, effect on job opportunities. Respected economists from Harvard and Princeton Universities have studied the impact of a minimum wage increase on jobs and found that the increase did not reduce employment.

**REWARD WORK! CREATE JOBS!** One study by economists from Harvard and Princeton Universities examined the effects of minimum wage increases on the employees of fast food restaurants in Texas. They looked at restaurants with different levels of starting wages to see if the increase caused job losses at restaurants which paid lower starting wages. Their findings suggest that the employment effects of a minimum wage increase, if anything, seemed to be positive rather than negative.

### **REWARD WORK! MONTANANS EARN IT!**

Reports from the Corporation for Enterprise Development have praised the work ethic of Montana's citizens and the quality of our work force. But they give Montana a "D" for economic performance because of poor wages (the third lowest in the nation!) and declines in health coverage.

**REWARD WORK! VOTE FOR FAIRNESS!** The lowest paid workers earn less now than they did in the 1970's. The wages of middle class workers have barely kept pace with the increased costs of goods and services. Meanwhile, the wages of the wealthiest workers have soared. In 1980, the boss's average paycheck was 42 times the pay of the ordinary factory worker. By 1995, the boss made 141 times what the factory worker did.

**WORKING MONTANANS DESERVE A WAGE INCREASE.** Vote FOR gradually raising Montana's minimum wage. **REWARD WORK!**

This measure's **PROPONENTS'** argument and rebuttal were prepared by Senator Sue Bartlett, Gene Fenderson, and Representative Dan Harrington.

### **OPPONENTS' ARGUMENT AGAINST I-121**

I-121 is a huge 47% increase in Montana's minimum wage. This "Montana only" mandate of a \$6.25/hr wage will hurt small businesses that are the backbone of our local economy. It will make it much harder for the disadvantaged, less skilled or less educated to get jobs, pushing or locking them into the welfare system.

**Small Businesses Will Be Hurt.** Many small businesses have barely survived a 300% increase in workers compensation, huge increases in health care benefits, plus an explosion of regulations related to being an employer. Small businesses are paying more each year for every job they create. Too much of this money is lost to regulations and taxes instead of going home in workers paychecks.

The only way many small businesses have to cope with mandated costs increases is to eliminate jobs and/or reduce other benefits to current workers.

**Job Creation Will Slow Down.** A 1993 survey of American economists reveals that 77% believe a minimum wage hike will lead to a decline in

employment opportunities. A few economists have said a small increase in the minimum wage will not hurt the economy. These discussions have been focused on a 90 cent increase. I-121 is a 2 DOLLAR increase.

**Low Income and Unskilled Workers Will Be Hurt.** The Employment Policy Institute has conducted studies which have concluded that increases in minimum wage cause minority teens, welfare mothers, and other lower skilled workers to be displaced in the workplace by middle income teens who are lured to these jobs by the higher wage.

**People on Fixed Income Will Be Hurt.** Mandated costs show up in the prices you pay for consumer goods. Prices charged by local businesses will go up to pay for this huge increase in mandated wages. These price increases will be hardest on the elderly and others trying to live on fixed incomes.

**Montana Loses National Economic Competition.** This mandate will apply only to businesses in Montana. Montana businesses will not only have to pay the new federal minimum wage, but I-121 will force them to pay more than twice the federal increase.

**Cost To Taxpayers.** This mandate will affect local government programs many of which hire young people to oversee recreation programs. Many cities have struggled to keep these programs, this minimum wage mandate will force these cities to increase taxes or discontinue these jobs.

Montana businesses are not the multi-national corporations who have received publicity for downsizing while making record profits. Small manufacturers based in Montana may not be able to pass along this mandated wage increase and have said this could cause them to lose contracts. Montana business owners are our neighbors and friends who work hard and treat employees with respect.

This measure's OPPONENTS' argument and rebuttal were prepared by David Owen, Brad Griffin, and Stuart Doggett.

#### PROPONENTS' REBUTTAL OF THE ARGUMENT OPPOSING I-121

**REWARD WORK!** Vote for GRADUALLY raising Montana's minimum wage from \$4.25 an hour in

1996 to \$6.25 an hour in the year 2000, **FOUR YEARS** from now. The yearly increases would be:

- . \$4.75 per hour on January 1, 1997;
- . \$5.25 per hour on January 1, 1998;
- . \$5.75 per hour on January 1, 1999; and
- . \$6.25 per hour on January 1, 2000.

**HIGHER PRICES?** Prices have never stopped going up. It's wages that are staying the same or falling. From 1991 to 1996, there was no increase in the minimum wage, but the cost of living rose 11%. From 1981 to 1990, there was no increase in the minimum wage, but the cost of living rose 48%. Families can't survive on \$4.25 -- and they can't buy the products that small Montana businesses make and sell.

**MONTANA ALONE?** 10 States have already set their minimum wage higher than \$4.25 an hour. Oregon's minimum wage is \$4.75 today. Washington's minimum wage is \$4.90 today. Massachusetts' minimum wage is \$4.75 today and will rise to \$5.25 on January 1, 1997. Montana will not be alone when this proposal passes. Instead, we will join a growing list of States that know we must **REWARD WORK!**

**WORKING MONTANANS DESERVE A LIVABLE WAGE!** Vote **FOR GRADUALLY** raising Montana's minimum wage. **REWARD WORK!**

#### OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING I-121

It does not reward work to pass a law that reduces working hours, cuts benefits, and creates fewer new jobs.

This increase is not gradual. It is too much, too fast.

I-121 goes beyond new federal increases. Small businesses will face 5 increases in 4 years. This means fewer new jobs, lower benefits, and more people on welfare.

The proponent's claim that minimum wage workers provide 45% of their family's income includes single adults with no dependents as families. 35% of minimum wage workers live with their parents.

A strong economy rewards work. From 1981 to 1990 when there was no increase in the minimum

wage, the number of minimum wage workers declined from 7.8 million (8% of workforce) to 3.2 million (3% of workforce).

When 22,000 economists were surveyed, 77% (16,940) said minimum wage increases lead to job losses. 101 economists is a very small minority.

The Texas "study" was conducted by the same economist who did a discredited study in New Jersey. That study has been rejected because researchers used phone calls to determine

employee counts. Actual payroll records proved there was a 5% job loss.

Comparisons to the past are misleading. Years ago the minimum wage didn't apply small businesses like retail stores or restaurants. In the past there weren't mandated employee protections (work comp) driving up the cost of providing jobs.

The last thing Montana should do is derail the potential for small businesses to create new jobs. I-121 does not reward work. It makes work

## INITIATIVE 122 (I-122)

### How the issue will appear on the ballot

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#### INITIATIVE 122 A law proposed by initiative petition

State law currently allows mine discharges to be diluted after release into state waters in determining whether water quality standards are met. This initiative prohibits issuance of new metal mine permits, exploration licenses, or major amendments to cyanide-leach mine permits if mine discharges exceed existing water quality standards at the point of release into state waters. It would require treatment, before dilution or release, to:

- ▶ remove 80% of each carcinogen, toxin, and nutrient; or
- ▶ meet existing state water quality standards for carcinogens, toxins, iron, and manganese, whichever provides greater water quality protection.

If passed, the measure would take effect immediately.

**FISCAL STATEMENT:** This initiative increases water treatment requirements and associated costs for certain discharges from some metal mines and exploration operations. Some new mines and mine expansions may no longer be technologically or economically viable, resulting in reduced employment and tax revenue from the mining industry.

- FOR requiring the removal of specified levels of carcinogens, toxins, metals and nutrients prior to dilution or release of mine discharges into state waters.
  - AGAINST requiring the removal of specified levels of carcinogens, toxins, metals and nutrients prior to dilution or release of mine discharges into state waters.
- 

### PROPONENTS' ARGUMENT FOR I-122

Clean water is Montana's most important natural resource. It is the lifeblood of our most basic and largest industry, agriculture, and it is the anchor for our second largest industry, tourism. It is our greatest recreational resource, it determines the quality of our everyday life, and it is essential for optimal public health. The amount and availability

of clean water will define the future of Montana.

The first provision in the Montana Constitution imposes on the state government and each citizen the duty to maintain and improve a clean and healthful environment for present and future generations. It also declares that the use of all of our water shall be held to be a public use. Finally,

it directs the legislature to protect environmental life support systems and to prevent unreasonable depletion and degradation of natural resources.

Prior to 1995, the legislature and the state administration had enacted and enforced water quality statutes that carried out these constitutional directives. But in response to pressure from the gold mining industry, the 1995 legislature slashed our water quality standards and controls to accommodate several mining ventures proposed near the Blackfoot River, the headwaters of the Yellowstone, and the Clark Fork River. The purpose of the Clean Water Initiative is to close the loopholes opened by that legislation and to restore the water quality protection we enjoyed and relied upon before this ill-advised action to favor a narrow, out-of-state special interest group.

Over 40,000 Montanans signed the petition for Initiative I-122 so they could have the opportunity to vote on keeping Montana's water clean.

When the initiative is approved, the law will prohibit the Department of Environmental Quality from issuing a permit for a new precious or base metal mine, amending a cyanide-leach mine permit, or granting or extending a metals exploration license unless the permit or license requires the "effective removal" of carcinogens, toxins and other pollutants from water before its discharge into Montana surface or subsurface water. "Effective removal" means removal of 80% of pollutants, or removal of enough pollutants to comply with general state water quality standards, whichever would supply the cleanest water. This would effectively repeal provisions in the 1995 legislation that allow mining companies to discharge untreated wastewaters by simply diluting them with clean waters until they meet minimum standards.

A vote for the Clean Water Initiative is a vote for the health, lifestyle, prosperity and enjoyment of this generation of Montanans and for the security and well-being of future generations. A vote against I-122 is a vote for short-sighted, short-term gain for very few Montanans and a bonanza for an even smaller number of out-of-state exploiters. Our Constitution tells us it's our streams, our lakes, and our drinking water, and it's our duty to protect them. I-122 is an important step in that direction.

This measure's PROPOONENTS' argument and rebuttal were prepared by Kathy Hadley, Donna Metcalf, and Gordon R. Bennett.

### **OPPOONENTS' ARGUMENT AGAINST I-122**

The promoters of I-122 have cleverly titled it the "Clean Water Initiative", suggesting that anyone opposed to it is opposed to clean water.

Ridiculous! **EVERYONE WANTS CLEAN WATER.**

The problem is that I-122 would not affect Montana's water quality, but it would affect Montana!

I-122, the misnamed "clean water" initiative, would:

- Cost Montana People their jobs.
- Erode the tax base.
- Punish one single industry.

But it would have no effect whatever on Montana's water quality standards!

### **I-122 DAMAGES MONTANA'S ECONOMY**

A recent national study indicated that Montana's economy performs poorly due to a sluggish job market with average annual pay now ranking third worst nationally.

Yet, in spite of that, the real goal of the authors of I-122 is to shut down Montana's mining industry. They feel mining is not important enough to protect.

I-122 would:

- Result in the loss of more than **2,700 good paying jobs in Montana.**
- Cost state and local governments more than **\$400 million in lost tax income over the next 15 years** - - taxes that support our schools and provide needed services.

If I-122 passes, more than **\$1 billion** in planned Montana investments will not take place.

### **I-122 IS A RADICAL MEASURE**

- The water quality treatment requirements that I-122 would establish are so stringent that

modern technology does not have the equipment to measure them!

- I-122 is so radical that if it were applied to homes in Montana, a glass of drinking water nearly three times purer than EPA standards could not be poured into state waters without first treating it, so many homes would be required to have a water treatment plant to treat even tap water before you let it go down the drain into state waters!
- Septic systems in Montana's households would not comply with I-122!

### **WHO'S NEXT?**

**Promoters of I-122 feel the mining industry is not important enough to protect. They discount the employees (and their families), suppliers, retailers and others whose livelihoods depend, wholly or partially, on mining.**

### **SO WHO WILL BE NEXT? TIMBER? RANCHERS? FARMERS? CITIES, TOWNS and COUNTIES?**

**Publicly, the promoters have indicated I-122 was the first step and the next targets would be decided after the November election.**

**If I-122 passes and the next target is municipal sewer plants, as the promoters have hinted, cities and towns will be forced to comply with unnecessary but stricter water regulations costing Montana taxpayers millions of dollars!**

### **I-122 IS A BAD LAW**

**I-122 is a badly-written law that conflicts with existing water quality laws. Legally, it is vague, ambiguous and perhaps unconstitutional. Montana should not be stuck with bad laws.**

The water quality standards recently set by the Montana Legislature and signed by the Governor should be given a chance to work first -- before changing them with an extreme measure promoted by environmental groups.

The former director of the Montana Department of Natural Resources recently said:

**"I-122 upsets Montana's regulatory balance and defies common sense!"**

We urge you to **VOTE NO ON I-122**

**This measure's OPPONENTS' argument and rebuttal were prepared by Alan L. Joscelyn, Jerome Anderson, Senator Lorents Grosfield, and Representative Scott J. Orr.**

### **PROPONENTS' REBUTTAL OF THE ARGUMENT OPPOSING I-122**

**Do metal mines pollute Montana's water?**

**Yes.** Every large gold mine in Montana has violated water quality laws in the last 10 years. In July, the foreign-owned Zortman mine paid \$37 million in fines and clean-up costs. More than 2300 miles of our streams have been harmed by mining operations.

**Is this pollution dangerous to children, public health, and wildlife?**

**Yes.** Mine pollutants include cyanide, acid, arsenic and other toxins and cancer-causing substances.

**Is keeping water clean a radical idea?**

**No.** I-122 is sponsored by 40,000 Montanans who signed petitions to put it on the ballot.

**Will I-122 affect agriculture, municipalities or other industries?**

**No.** Governor Racicot's briefing paper states that I-122 will affect only certain large, metal mines.

**Is I-122 a good law?**

**Yes.** I-122 will help overcome bad law and restore Montana's high water quality. It requires new and expanding mining operations to remove carcinogens, toxins and heavy metals from their discharge **BEFORE** it goes into Montana's waters. Foreign mining corporations who created large loopholes in our water quality laws are spending millions to defeat I-122.

**Will I-122 cost jobs?**

**No.** Use of available treatment technology will create jobs. The pipefitters and other labor organizations have endorsed I-122 because it is good for jobs.

**Will taxes go up if I-122 passes?**

**No.** There is ample evidence that taxpayers pay for pollution clean-up; pollution prevention is sound

tax policy.

**Protecting our clean water will assure a healthy future for Montana's families and especially our children. Vote YES for I-122.**

### **OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING I-122**

Promoters of I-122 say that if you don't agree with them, you're shortsighted, oppose good health, a decent lifestyle, prosperity and are heedless of future generations. They want to save us from ourselves. They know best.

The 1995 legislature did not "slash" the state's water quality standards.

I-122 does not reinstate water laws in place before 1995.

Current Montana water quality laws:  
are stricter than those of any of our western neighbors.

apply equally to all: Agriculture, business, municipalities and, yes, mining.

If the promoters were really concerned about water quality, I-122 would apply to all. It doesn't because they aren't concerned about water quality;

they're interested in outlawing mining.

I-122 violates common sense!

Does it treat all dischargers fairly and equitably? NO!

Can all requirements:  
be achieved? NO!  
be measured or detected? NO!  
be enforced? NO!

Does it protect existing jobs? NO!

Is there a balance between jobs and the environment? NO!

I-122's promoters casually dismiss the thousands of mineworkers, suppliers, retailers (and their families) who depend wholly or in part on the mining industry as "a very few Montanans." If I-122 passes, who'll be the next expendable "few Montanans?"

We agree that clean water is a most important natural resource. Today, Montana's water is among the cleanest in the nation, and we all want to keep it that way. But we must maintain the current balance between environmental and human needs. I-122 would upset that balance to the detriment of all Montanans. Please vote NO on I-122.

## **INITIATIVE 123 (I-123)**

How the issue will appear on the ballot

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### **INITIATIVE 123**

A law proposed by initiative petition

This initiative would allow any individual or organization to bring a lawsuit against persons who engage in unlawful threats or intimidation that cause injury or harm. It would also prohibit the filing of "nonconsensual common-law liens," defined as claims against real or personal property that are:

- not allowed by state or federal law,
- not consented to by the property owner,
- not imposed by a court, or
- not commonly used in commercial transactions.

It would allow individuals or organizations against whose property such liens are filed to recover court costs and damages against the person who filed the lien.

**FISCAL STATEMENT:** The proposed initiative would have no fiscal impact on state or local governments. Individuals filing the nonconsensual common-law lien would be liable for the costs of removing the lien.

- FOR allowing lawsuits for civil damages against those who commit unlawful threats or intimidation, and prohibiting the filing of false liens against property.
  - AGAINST allowing lawsuits for civil damages against those who commit unlawful threats or intimidation, and prohibiting the filing of false liens against property.
- 

## **PROPONENTS' ARGUMENT FOR I-123**

### **The Problem**

Montanans are painfully aware of the danger presented by anti-government extremist organizations and hate groups, like the Freemen, and their escalating attacks on government officials and others.

I-123 was created to give all Montanans an opportunity to stand up and say "NO!" to these extremist groups and individuals.

These extremist organizations have deliberately singled out our justice system, public officials and law enforcement as their main targets.

Their favorite tactic is intimidation -- in the form of escalating and frightening threats of physical violence, and costly and time-consuming harassment through the filings of false liens.

### **Threats and Intimidation**

Examples of extremist attempts to intimidate our state through threats of violence have occurred repeatedly.

- Over a traffic violation involving a freeman linked to the militia, a Bitterroot County municipal court judge was given an ultimatum that if she did not dismiss the traffic case, she would be subject to trial by the extremist group and told that her home would be shot up and that she would be hanged. On two separate occasions, she had to send her children out of their home to live elsewhere, for fear for their lives.
- After militia members were arrested and held in custody in Roundup as suspects with the intention to kidnap, try and hang a District Judge, the County Jail and County Attorney's office received hundreds of threatening phone calls against the Sheriff and his deputies and against the County Attorney Staff.

- The Garfield County Attorney was told by Freemen that "they weren't going to bother building a gallows. They were just going to let him swing from the bridge." A million dollar bounty on him was proclaimed on a poster with his picture, saying "Wanted Dead or Alive."
- And this has happened to many others.

### **False Liens**

The extremists' attempts at harassing Montana public officials and citizens by placing false liens on their property has proven to be costly and disruptive to both the individuals and their private property rights.

### **Initiative 123**

The Montana Anti-Intimidation Act of 1996 strikes at the heart of these extremist tactics.

- Initiative 123 adds the opportunity for a victim of threatened violence -- whether public official or Montana citizen -- to bring civil action, in addition to criminal sanctions, against those extremists threatening violence.
- Initiative 123 works with current laws to allow the District Court to effectively remove false liens, providing that legal and court costs as well as any damages can be assessed against the extremist filing the false lien.

### **Stand Up and Be Counted**

We cannot remain silent to the ominous threat presented by the hundreds of members of militia groups, the Freemen, white supremacists and other hate groups active against civil society.

We cannot remain silent as silence is consent!

Initiative 123 allows Montanans collectively to stand up and make their voices heard. And to do it at the ballot box.

**In Montana, saying "NO" to extremists is "AS EASY AS 1-2-3" - - pass Initiative 123!**

This measure's PROPOSERS' argument and rebuttal were prepared by Judge Martha Bethel and John Bohlman.

**OPPONENTS' ARGUMENT AGAINST I-123**

This measure does too much. It encourages widespread litigation.

It would permit convicted criminals to sue the members of their juries.

It would permit law suits against citizens and public officials by the very extremists it pretends to combat.

This measure targets anti-abortion demonstrators. Imagine your parish being sued because one of its members said the rosary aloud outside an abortion clinic and a clinic staff member or patient claimed he or she was "harassed by intimidation."

Anti-abortion demonstrators are not alone. Under this measure, either side could sue the other repeatedly on the theory that he or she was "harassed by intimidation."

This measure would permit law suits against unions who engage in informational or other picketing. Anyone-bosses, scabs, security guards, or passing motorists-may claim they were "harassed by intimidation" as a result of a labor action and sue under this measure.

It would permit lawsuits against lobbyists by those who oppose their views, on the theory that the opponent is "aggrieved" because the lobbyist addressed a public official privately.

If you want to think about other ways this measure may be abused, just use "intimidated" in a sentence.

This measure does too little. It would dilute existing law.

It would cut down on the kinds of liens that a county clerk and recorder may reject.

Current law allows a person to ask their county clerk and recorder to remove an illegal lien. I-123

would force you to hire a lawyer and go to court.

Current law allows persons to recover three times their damages from someone who files an unlawful lien. In contrast, this measure reduces the damages that may be recovered.

Montana law already provides for attorney's fees to be awarded to one against whose property a lien is claimed.

This measure would prohibit "non-consensual" common law liens (liens "not provided for by a specific state or federal statute"). Historically, artisans and those who repaired goods have held common law liens against the property they repaired. This means that the mechanic who worked on your car or the artisan who repaired your shoes is entitled to retain these things until he or she is paid. This measure is not clear in describing what happens to those types of liens. Are they "of a type commonly used in legitimate commercial transaction" or not?

The law needs room to grow and to accommodate changes. This measure freezes the law of liens and permits no further growth or development. When tradespeople, artisans, mechanics and others develop new means to protect the value of their services, those means ought to be recognized. This measure will defeat them.

A San Francisco organization paid over \$26,000 to get I-123 on the ballot. We recommend that Montanans vote "no."

**This measure's OPPONENTS' argument and rebuttal were prepared by Scott Crichton, Larry Dodge, and Jeffrey T. Renz.**

**PROPOSERS' REBUTTAL OF THE ARGUMENT OPPOSING I-123**

The Committee arguing against I-123 says that it encourages litigation.

Wrong!

The court system is a way to seek justice for those who are threatened and intimidated by extremist activity. In America, the solution for law-breaking extremist activity is not found outside the law -- but within the legal system.

They've made ludicrous suggestions that I-123 would have convicted criminals suing their juries or would allow extremists to sue Montana citizens and public officials.

Wrong!

They say that if you are anti-abortion you can be sued by someone who is pro-abortion -- and vice versa.

Wrong again!

You would only have a problem if you are violating the law by using illegal threats and intimidation.

They say that if you are on a labor picket line, you can be sued by bosses and scabs.

Again, wrong!

This is just a scare tactic. Someone legally picketing is protected by I-123 from those who use illegal threats against them.

They imply that the lien section of I-123 is unnecessary because current law covers the problem of false extremist harassment liens.

Another wrong!

Our review of this with other attorneys indicates that I-123 will work in coordination with existing laws -- as the drafters of I-123 had intended.

Finally, they have dreamed up an idea that mechanics liens used by artisans and those who repair goods would become illegal. Since these liens are "a type commonly used in legitimate commercial transactions", they are not prohibited by I-123.

Overall, their entire argument is wrong!

#### OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING I-123

We are reminded of a Bugs Bunny cartoon. Bugs draws a line in the sand and says to Yosemite Sam, "Cross that, and you'll get what's comin' to ya." Sam hops across the line and says, "Okay. Now what, Rabbit?"

With I-123, Sam runs off and gets his lawyer, and sues Bugs. It's as easy as 1-2-3.

I-123 makes it easy to sue over words we don't like, but tolerate in a boisterous democratic society. Last July, under a similar New Jersey law, a man was put on trial for intimidation for saying, "Here comes sissie number one." Said his accuser, "I felt intimidated."

You call your mayor an "Old coot" for supporting an ordinance? He sues you, as easy as 1-2-3. Joe the Freeman doesn't like what the judge said about his legal theory? He sues the judge, as easy as 1-2-3. Joe doesn't care. He'll use I-123 to harass officials.

On the other hand I-123 makes it harder to win when threats are serious. The judges mentioned in the Voter Information Pamphlet had a right to sue for assault. Assault would be easier to prove than would a violation of I-123. (An assault is a threat; a battery is physical contact.)

An I-123 drafter says I-123 has "symbolic value." So now we can fill the courts with symbolic, ineffective, and harassing lawsuits that cost taxpayers a lot of money.

I-123 is mis-named. It ought to be called "The Friends of the Freeman Act."

# INITIATIVE 125 (I-125)

## How the issue will appear on the ballot

### INITIATIVE 125 A law proposed by initiative petition

Current law prohibits corporations from making direct contributions to political candidates or to political committees that support or oppose candidates or political parties. This initiative would prohibit direct corporate contributions or expenditures toward the support or defeat of ballot issues. It would allow contributions by non-profit corporations that do not: engage in business activities, allow for-profit corporations as members, or accept more than 5% of their revenue from for-profit corporations. The initiative also would set a voluntary spending limit for ballot issue committees of \$150,000 per year and allow them to advertise compliance with that limit.

FISCAL STATEMENT: Administrative costs for the Commissioner of Political Practices would be \$2,500 in fiscal year 1997 and then \$1,500 per year.

- FOR prohibiting direct corporate spending on ballot issues, except by non-profit corporations not controlled by for-profit companies, and setting voluntary spending limits for ballot issues.
- AGAINST prohibiting direct corporate spending on ballot issues, except by non-profit corporations not controlled by for-profit companies, and setting voluntary spending limits for ballot issues.

#### **PROONENTS' ARGUMENT FOR I-125**

**There is too much money spent on politics in Montana. And, no where else is it spent by so few in such large amounts as in ballot campaigns. Initiative 125 will cure this problem. It does so by prohibiting corporations from making contributions out of the corporate checkbook on ballot campaigns. This change would make the system more fair for the average Montanan.**

Montanans think of initiatives and ballot campaigns as being the way the "people" can speak out directly and pass laws. Too often, though, the voice of the people is drowned out by the voice of corporations spending huge sums of corporate money to present a side of the story slanted to preserve some corporate benefit.

Corporations are not allowed to give directly to political candidates or political parties in Montana. Only in regard to ballot issues can a corporation write a corporate check to buy politics the same way they buy raw materials.

Corporations are not people. They "live" by artificial charter, not by flesh, blood and conscience. Because they are eternal and have more money, corporations generally are treated differently than people in regard to the role they play in Montana politics.

Over \$3 million of the \$4+ million raised from 1982 - 1994 to support or oppose ballot issues was direct contributions from corporations and their allies. The top three contributors on ballot issues in Montana are:

1. Phillip Morris, New York, NY \$626,235 (Tobacco Industry)
2. R.J. Reynolds, Winston-Salem, NC \$302,073 (Tobacco Industry)
3. The Tobacco Institute, Washington, DC \$265,927 (Tobacco Industry)

In 1990, I-110 (imposing a tax on tobacco products to promote health) was defeated by these corporate contributions. I-110 was placed on the ballot by Montana health professionals.

For the 1996, election large direct corporate contributions from multinational mining companies are the source of campaign funds to fight I-122, the clean water initiative. As of July 5 these contributions include:

- |                                   |            |
|-----------------------------------|------------|
| 1. Golden Sunlight Mining Company | \$ 141,000 |
| 2. Phelps Dodge Mining Company    | \$ 100,000 |
| 3. ASARCO Mining Company          | \$ 50,000  |
| 4. Atlantic Richfield (ARCO)      | \$ 50,000  |
| 5. Beal Mountain Mining           | \$ 41,900  |

The ability of corporations to give directly from their corporate checkbooks has given them too large a voice in Montana's initiative process. I-125 makes the process more fair. Passage of I-125 means individuals, including any business owner, shareholder, or director, will make contributions to the ballot campaigns of their choice.

I-125 closes loopholes so that corporations can not use "front" nonprofit organizations to give contributions to ballot campaigns and sets a voluntary spending limit of \$150,000 per ballot committee with penalties for violations.

Money from special economic interests is drowning out the voices of ordinary citizens in Montana. I-125 will close a loophole in Montana's laws to make ballot issue campaigns operate by the same rules as candidates and parties.

This is fair and I-125 should pass.

**This measure's PROPONENTS' argument and rebuttal were prepared by Jonathan Motl, C.B. Pearson, and Barb Seekins.**

#### **OPPONENTS' ARGUMENT AGAINST I-125**

Montanans, like most Americans, value their freedom of speech. While we might not always agree with others, we respect their right to voice their opinions. And we hope they will afford us the same opportunity. We also believe in making informed choices on issues that affect our lives.

No other state prohibits corporate contributions to ballot issue campaigns. The reason for that is clear. The United States Supreme Court has already ruled that such a restriction would violate our right to freedom of speech. In a 1981 decision, the Court stated that while a case can be made for placing limits on contributions to political candidates to avoid the appearance of corruption -- as Montana has already done -- the same justification does not apply to ballot measures. Specifically, the Court said "...there is no significant state or public interest in curtailing debate and discussion of a ballot measure. Placing limits on contributions which in turn limit expenditures plainly impairs freedom of expression."

I-125 treads on the constitutional rights of the business community, as well as any group that has a corporate structure or operating practices that fall under the broad sweep of this proposal. We can't

predict what issues might find their way to the ballot in the future. Do Montanans really want to inhibit local businesses or others who might be harmed by a poorly-conceived initiative from adequately making their case to the public? Is it fair to allow some organizations full access to the political process while limiting the abilities of others to participate? Ultimately that will be the effect of I-125.

I-125 is not only constitutionally flawed. It also fails to recognize the difference between ballot issue and candidate elections. When one votes on a ballot issue, he or she is making law.

The Montana Legislature meets in regular session every two years. As bills are considered, a wide array of interests bring information, ideas and concerns into the debate before legislators cast their vote. To protect the public interest, current state law requires expenditures made during this process to be reported.

With regard to ballot issues, the entire voting public becomes the "legislature". Only instead of meeting in one place where those with knowledge about a proposal can gather and discuss its impacts, hundreds of thousands of individual Montanans are going to be making the decision. As with the Montana Legislature, we want those to be informed decisions.

Those arguing for or against ballot measures are as important to informing the debate as those who give testimony in front of legislative committees. Again, to protect the public interest, state law requires contributions and expenditures to ballot issue campaigns to be reported. Yet I-125 wants to unfairly restrict the ability of some to fully participate in the process. And in the end, it will restrict the ability of the individual voter to get information he or she needs to make decisions that best serve the interests of all Montanans.

**This measure's OPPONENTS' argument and rebuttal were prepared by Jerome Anderson, Peggy Olson Trenk, Senator Jim Burnett, and David Owen.**

#### **PROPONENTS' REBUTTAL OF THE ARGUMENT OPPOSING I-125**

Corporate "free" speech costs us all. A corporation

uses its staff, phones, cars, or checkbook to "speak" on initiatives. And, that cost becomes a tax-deductible business expense or is added to the price of the product. Buying politics and buying lumber is the same to a corporation. FACT: 72% of Montana's ballot contributions come from corporate or trade association checkbooks.

Not so for most Montanans. We have limited money and get no tax deduction for ballot issue spending. So we speak by carrying petitions, writing letters, etc. FACT: 2% of Montana's ballot contributions come from small contributions.

I-125 does not limit the right but enhances the ability of many to participate by shifting the focus from money to time (which we all have the same amount of). That is fair.

Large contributions from special interests are not needed for a healthy debate. Montanans have many forums (including this pamphlet) to debate ballot issues.

I-125 does not ban corporate speech but redefines the method of speech by prohibiting direct corporate spending. That approach is constitutionally permissible.

The proponents of I-125 are the same people who in 1983 designed Montana's aggregate PAC limit law for state legislative races. That law was also attacked as "unconstitutional" but the law has worked well for 13 years.

Our opponents are lobbyists and public relations advocates for the very corporations who presently dominate the process with their funds.

I-125 will make our political system more fair. Vote FOR I-125.

#### **OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING I-125**

Proponents would like Montanans to believe the only effect of I-125 would be to limit participation in the election process by entities they perceive might be politically unpopular. They are being less than honest with Montana voters.

Non-profit hospitals, universities, charities, environmental and even religious organizations are affected if they meet any one of the provisions of I-125. Many will. If an initiative were to appear on the ballot that would impact any of the above, they could not spend their own funds to give voters information. There could be initiatives affecting hunting and fishing, taxes, or even education. If we lock out businesses and many non-profit organizations, only an elite few will be party to the debate over these important issues.

I-125 was not developed simply by Montanans concerned about the election process. It is based on a model promoted by very liberal national interests. Two years ago they tried the same thing in Massachusetts where the measure was soundly defeated. Montana voters respect an open political process as much as those in Massachusetts. Their votes cannot be bought.

Finally, working, caring people make up corporations. They are our neighbors, our colleagues. I-125 would deny both large and small businesses, institutions and organizations the opportunity to protect themselves, their employees and their members. That's just plain wrong. I-125 should not pass.

## **INITIATIVE 132 (I-132)**

### How the issue will appear on the ballot

#### **INITIATIVE 132** A law proposed by initiative petition

This initiative would declare the policy of the voters of Montana to pass an amendment to the U.S. Constitution imposing term limits on members of Congress. Legislative and Congressional candidates could take a pledge to support a term limits constitutional amendment. Any candidate for congressional or state

legislative office who fails to support such a term limits amendment would have the words "Disregarded Montana Voters on Term Limits" printed next to that candidate's name on the ballot. A challenge could be brought in the Montana Supreme Court to require that language to be added to or removed from the ballot.

- FOR requiring a notation on state ballots showing candidates for Congress or the legislature who fail to support term limits for members of Congress.
  - AGAINST requiring a notation on state ballots showing candidates for Congress or the legislature who fail to support term limits for members of Congress.
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#### **PROPONENTS' ARGUMENT FOR I-132**

Four years ago the citizens of Montana passed congressional term limits with a 67 percent majority. Our law limited the terms of our federal Representative and Senators. Instead of listening to the people, the career politicians in Washington, D.C. went to the courts for protection. In a 5-4 decision, the Supreme Court sided with the politicians and voided our federal term limits. We now must amend the United States Constitution to institute term limits. This Initiative does something very simple. Every incumbent who fails to support the term limits amendment, and every challenger who fails to take a term limits pledge, will have "Disregarded Montana Voters on Term Limits" next to their name on the ballot. All citizens will receive fair and objective information on the candidate's position regarding term limits.

Today's election process heavily favors incumbents. Through a whole list of advantages available only to incumbents, paid for by you the taxpayer, politicians can stay in office forever. Taxpayer financed bulk mailings, name recognition, highly paid and trained political staffs, pork barrel politics and overwhelming advantages in raising special interest money keep qualified and motivated challengers out of office. Simply put, a member of Congress can have a job for life if they play their cards right. Long-term career politicians in Washington have mortgaged America's future with a mountain of debt for a bloated, intrusive and expensive federal government. A yes vote on 132 is about cleaning up the corrupt system of seniority and power accumulation and replacing it with citizen legislators who know what it is like to live outside government. Citizen legislators are more likely to work for the good of the country than the good of the special interest groups that fuel the reelection campaigns of the career politician. Term limits are the only way to level the playing field and let fresh ideas and new faces into the system. The passage of Initiative No. 132 is the

beginning of the process toward term limits.

Since 1990, 25 million Americans have voted for congressional term limits in 23 states including Montana. The President of the United States, 40 governors, and 20 state legislatures have term limits for elected officials. Montana's Governor and other state elected officials have term limits. Initiative No. 132 gives the power back to the people.

If you favor term limits or even if opposed, you should still want to know if the person you are voting for agrees with you. Passing Initiative No. 132 will give you that information every time you enter the voting booth. Vote yes on Initiative 132 for term limits on congress.

**This measure's PROPONENTS' argument and rebuttal were prepared by Fred Thomas, Tom Shellenberg, and Ed Butcher.**

#### **OPPONENTS' ARGUMENT AGAINST I-132**

I-132 is an outrageous proposal requiring candidates for the State Legislature and Congress to take a pledge that if elected they will vote for term limitations for members of Congress. Their failure to so pledge will cause the Secretary of State to print after a candidates name: "Disregarded Montana Voters on Term Limits". Their failure to so pledge is a form of extreme intimidation of candidates that have no opportunity to debate the term limitation issue.

The issue is NOT whether or not you favor term limits. The issue IS: should we desecrate the ballot by having the statement, "Disregarded Montana Voters on Term Limits" printed after the names of candidates who refused to pledge their position? Will other single issue advocates be allowed to use the ballot for campaigning to pledged positions on abortion, gun control, Medicare reform, flat-tax, etc.?

The real thrust of I-132 is to force Congress to limit terms for its members. If successful, this would start action to amend the U.S. Constitution by "packing" the new Congress with members pledged to support a proposed term limit amendment. State Legislatures (also so packed) would then be asked to vote for ratification of such amendment to the U.S. Constitution.

If Congress fails to pass a term limitation amendment or the necessary number of states fail to ratify the term limitation amendment, in fulfilling the goal of I-132, it could result in calling a National Constitutional Convention for the purpose of amending our U. S. Constitution. This could lead to introduction of, not only this amendment, but possibly many other amendments to the U.S. Constitution. The possibility of serious harm to our U.S. Constitution could well be of disastrous proportions.

The responsibility placed upon the Secretary of State to determine which candidates should or should not have the statement "Disregarded Montana Voters on Term Limits" printed after his/her name on the ballot would be very burdensome. The Secretary of State would have to poll all the candidates for the Legislature and for the Congress in all primary and general elections, have to accurately determine their positions, shall consider public comments before making the determination who will be selected and then defend the decision before the Supreme Court if challenged by an offended candidate. It certainly will encumber the electoral process and add to the costs of operations.

If I-132 is adopted there would be serious questions raised about it constitutionally. At present there is no case law established on this radical issue. There could be very costly litigation on its constitutionality extending over several years.

Montana's plain, simple, uniform, secret ballot should not be sacrificed for the objectives of some out-of-state organization.

I-132 is a bad, bad proposal. It is of no positive service to the Nation and has harmful and disturbing effects on our electoral process. It threatens potential Montana candidates with such negative campaigning that they may not aspire to such office.

We respectfully urge a sound rejection of I-132 by voting NO!

This measure's OPPONENTS' argument and rebuttal were prepared by Matt Himsl, Francis Bardanouye, and Verner L. Bertelsen.

## PROPONENTS' REBUTTAL OF THE ARGUMENT OPPOSING I-132

The opponents' arguments prove just how frightened politicians are by the truth on their records. Their main objection seems to be that voters will actually be told, right on the ballot, about their candidates' records on term limits. No politics, no avoiding the issue, voters will receive just the facts on term limits.

Everybody knows that Congress has a conflict of interest on term limits. In the past, Congress blocked the XVII Amendment to the Constitution, creating the Direct Election of U.S. Senators rather than being appointed by state legislatures. Just like term limits, America wanted Direct Election, but Congress had a conflict of interest. Across the country, primary ballots indicated who supported Direct Election and who did not. This voter information was key to winning the day. Montana was a leader in the movement for Direct Election, and is a leader in the Term Limits Movement.

In desperation, opponents of I-132 say that it will cost money. But, the Secretary of State has stated that there is no fiscal impact. How much money has a career Congress cost you? Pork-barrel spending and catering to special interests have brought our country to the brink of bankruptcy. Only with a term-limited Congress will we end the seniority (pork-barrel) system. Only with term limits will we again live up the founders' vision of a legislature "of the people, by the people, and for the people."

We want the facts and that is all we want. Vote yes on I-132.

## OPPONENTS' REBUTTAL OF THE ARGUMENT SUPPORTING I-132

The process being used in I-132 to coerce members of our State Legislature and our congressional delegation to support term limits is so obnoxious it overshadows the very purpose of the initiative. It is a violation of all democratic principles.

We already have the ballot and can limit the term of an incumbent by electing his or her challenger. Montana could actually lose by limiting the term of a popular, effective and seasoned official. There is much to be said for a Congressional incumbent who has gained prominence in Congress and learned the legislative

process.

When we consider the danger of starting a process which could lead to single issues of all kinds being added to names of candidates on the ballot, it is frightening.

I-132 could lead to a dangerous constitutional convention with possible serious damage to our Constitution. I-132 would place the Secretary of

State in the very unenviable position of determining which candidates should or should not bear the "Scarlet Letter"; "Disregarded Montana Voters on Term Limits." This could generate many costly lawsuits.

Finally, we seriously question the constitutionality of any measure which places a campaign slogan after the name of a candidate on the ballot.

For all these reasons, we urge you to vote NO on I-132.

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## ***The Complete Text of Ballot Issues***

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### **The Complete Text of C-30**

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AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION TO REPLACE THE BOARD OF EDUCATION, THE BOARD OF REGENTS, AND THE COMMISSIONER OF HIGHER EDUCATION WITH THE DEPARTMENT OF EDUCATION AND A STATE EDUCATION COMMISSION; PROVIDING TRANSITIONAL INSTRUCTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Article X, section 9, of The Constitution of the State of Montana is amended to read:

**"Section 9. Boards Department of education – state education commission – board of public education.**

(1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests department of education, with a director appointed by the governor. The department and the director shall have duties as assigned by law.

(2) There is a state education commission, consisting of eight members appointed by the governor and confirmed by the senate to staggered terms, as provided by law. The commission shall have duties assigned by law. A Except in the case of a tie vote at any meeting may be broken by the commission, the governor, who director shall serve as the non-voting presiding officer and is an ex officio member of each component board the commission.

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher

education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.

(d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board."

**Section 2. Effective date.** If approved by the electorate, this amendment is effective on passage and approval.

**Section 3. Transition.** Upon passage and approval, the governor may create a department of education and the state education commission as provided in Article X, section 9. The department and the commission may exercise statutorily assigned duties. The board of regents and the commissioner of higher education shall continue

to perform duties that were constitutionally assigned until January 1, 2001. The terms of office and appointments to the board of regents remain in effect until January 1, 2001.

**Section 4. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot the full title of this act and

the following:

- FOR replacing the board of education, board of regents, and commissioner of higher education with a department of education and a state education commission.
- AGAINST replacing the board of education, board of regents, and commissioner of higher education with a department of education and a state education commission.

### The Complete Text of C-31

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AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO ALLOW STATE COMPENSATION INSURANCE FUND MONEY TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Article VIII, section 13, of The Constitution of the State of Montana is amended to read:

**"Section 13. Investment of public funds.** (1) The legislature shall provide for a unified investment program for public funds and provide rules therefor, including supervision of investment of surplus funds of all counties, cities, towns, and other local governmental entities. Each fund forming a part of the unified investment program shall be separately identified. Except for monies contributed to retirement funds or monies in the state compensation insurance fund, no public funds shall be invested in private corporate capital stock. The investment program shall be audited at least annually and a report thereof submitted to the governor and legislature.

(2) The public school fund and the permanent funds of the Montana university system and all other state institutions of learning shall be safely and conservatively invested in:

- (a) Public securities of the state, its subdivisions, local government units, and districts within the state, or
- (b) Bonds of the United States or other securities fully guaranteed as to principal and interest by the United States, or
- (c) Such other safe investments bearing a fixed rate of interest as may be provided by law."

**Section 2. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot the full title of this act and the following:

- FOR allowing state compensation insurance fund money to be invested in private corporate capital stock.
- AGAINST allowing state compensation insurance fund money to be invested in private corporate capital stock.

### The Complete Text of C-32

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AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE SHALL MEET IN REGULAR SESSION BIENNIALLY IN EVEN-NUMBERED YEARS OR IN ODD-NUMBERED YEARS; AND PROVIDING A DELAYED EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Article V, section 6, of The Constitution of the State of Montana is amended to read:

**"Section 6. Sessions.** The legislature shall meet ~~each odd-numbered year~~ biennially in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special

sessions by the governor or at the written request of a majority of the members."

**Section 2. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot the full title of this act and the following:

- FOR restricting the legislature to meeting in regular session for 90 days in either even-numbered or odd-numbered years, but not both.
- AGAINST restricting the legislature to meeting in regular session for 90 days in either even-numbered or odd-numbered years, but not both.

**Section 3. Effective date.** [This act] is effective January 1, 1998.

## The Complete Text of I-121

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:**

**Section 1.** Section 39-3-409, MCA, is amended to read:

**"39-3-409. Adoption of minimum wage rates -- exception.** (1) The commissioner shall adopt rules to establish a minimum wage that, except as provided in subsection subsections (2) and (3), must be the same greater of either the minimum hourly wage rate as provided under the federal Fair Labor Standards Act (29 U.S.C. 206(a)(1)); or;

(a) \$4.75 an hour beginning January 1, 1997;

(b) \$5.25 an hour beginning January 1, 1998;

(c) \$5.75 an hour beginning January 1, 1999; and

(d) \$6.25 an hour beginning January 1, 2000.

(2) The rates established under subsection (1) exclude excluding the value of tips received by the employee and the special provisions for a training wage.

(2)(3) The minimum wage rate for a business whose annual gross sales are \$110,000 or less is \$4 an hour."

**NEW SECTION.** Section 2. Effective date. If approved by the electorate, this act is effective January 1, 1997.

## The Complete Text of I-122

**BE IT ENACTED BY THE PEOPLE OF MONTANA:**

**NEW SECTION.** Section 1. Protection of water quality from metal mines. (1) The department may not issue an operating permit for a new cyanide-leach or other precious metal or base metal mine, may not issue a major amendment to a permit for a cyanide-leach mine, and may not grant new or additional authorizations under a new or existing precious metal or base metal exploration license unless each point source discharge to state waters authorized or allowed by the department under the permit, amended permit, or exploration license is treated to ensure effective removal of each carcinogen, toxin, and nutrient and any iron and manganese occurring in the discharge at a level exceeding water quality standards adopted under Title 75, chapter 5.

(2) For purposes of this section, "effective removal" means that prior to any dilution or discharge to state waters, treatment must achieve for each carcinogen, toxin, and nutrient and any iron and manganese the more protective of water quality of the following:

(a) the removal of each carcinogen and toxin and

any iron and manganese to the level required by the applicable water quality standards adopted in Title 75, chapter 5; or

(b) the removal of more than 80% of each carcinogen, toxin, and nutrient.

**NEW SECTION.** Section 2. Severability. If a part of this amendment is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this amendment is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION.** Section 3. Codification. Section 1 is intended to be codified as an integral part of Title 82, chapter 4, part 3, and the provisions of Title 82, chapter 4, part 3, apply to section 1.

**NEW SECTION.** Section 4. Effective date. If approved by the electorate, this amendment is effective November 5, 1996.

## The Complete Text of I-123

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:**

**NEW SECTION.** Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Anti-Intimidation Act of 1996".

**NEW SECTION.** Section 2. Findings -- purpose. (1) [Sections 1 through 4] seek to address the growing problem of harassing and threatening behavior being undertaken by extremist individuals and groups in Montana. Numerous public officials and their families, voters, juries, individuals, and organizations have been targeted for intimidation and harassment by extremists. One of the principal tools of intimidation used by extremists is a false lien filed upon the property of an

individual or organization.

(2) The purpose of [sections 1 through 4] is to restrain these extremist activities by providing a civil remedy for anyone injured or harmed as a result of acts of intimidation, precluding the filing of false liens and establishing a procedure for removing an existing false lien.

**NEW SECTION.** Section 3. Civil Action. (1) A public official, family member of a public official, juror, voter, individual or organization that is injured, harmed or otherwise aggrieved by the acts of another person in violation of 45-7-102, 45-7-209 or 45-5-203 has a civil cause of action against the person causing the harm.

(2) An individual or organization who is attempting to exercise a legally protected right and who is injured,

harassed or aggrieved by a threat or intimidation has a civil cause of action against the person engaging in the threatening or intimidating behavior.

(3) A conviction for violation of 45-7-102, 45-7-209 or 45-5-203 is not a condition precedent for a civil action under this section.

**NEW SECTION.** Section 4. Liens. (1) As used in this section, the following definitions apply:

(a) "Lien" means an encumbrance on property as security for the payment of a debt.

(b) "Nonconsensual common-law lien" means a lien that:

(i) is not provided for by a specific state or federal statute;

(ii) does not depend upon the consent of the owner of the property affected for its existence;

(iii) is not an equitable or constructive lien imposed by a court; and

(iv) is not of a type commonly used in legitimate commercial transactions.

(c) "Person" means an individual, group of individuals or any organization of individuals.

(2) A person may not file a nonconsensual common-law lien upon the real or personal property of an individual or organization.

(3) (a) If a nonconsensual common-law lien is filed

against the real or personal property of an individual or organization, the individual or organization may petition the district court in the county in which the affected property is located to remove the nonconsensual common-law lien. If the district court determines that the lien in question is a nonconsensual common-law lien the district court shall enter an order directing the appropriate public official to remove the nonconsensual common-law lien.

(b) The legislature may provide other methods of removing nonconsensual common-law liens.

(4) The person filing the nonconsensual common-law lien is liable for the costs of removing the nonconsensual common-law lien, including reasonable attorney fees, court costs, and actual damages sustained by the aggrieved individual or organization as a result of the nonconsensual common-law lien.

**NEW SECTION.** Section 5. Codification Instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 27, Chapter 1, and the provisions of Title 27, Chapter 1, apply to [sections 1 through 4].

**NEW SECTION.** Section 6. Effective date -- applicability. If approved by the electorate, this act is effective January 1, 1997, and applies to nonconsensual common-law liens filed before or after January 1, 1997.

## The Complete Text of I-125

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

**SECTION 1.** Section 13-35-227, MCA, is amended to read:

"**13-35-227. Prohibited contributions from corporations.** (1) (a) ~~A Except as provided in subsection (4),~~ a corporation may not make a contribution or an expenditure in connection with a candidate, a ballot issue, or a political committee which supports or opposes a candidate, a ballot issue, or a political party.

(b) For purposes of this section, "corporation" refers to for-profit and nonprofit corporations.

(2) A person, candidate, or political committee may not accept or receive a corporate contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from an individual who is a shareholder, employee, or a member of the corporation.

(4) The provisions of subsection (1) prohibiting corporate contributions to or expenditures in connection with a ballot issue do not apply to a nonprofit corporation formed for the purpose, among others, of promoting political ideas, and that:

(a) does not engage in business activities;

(b) has no shareholders or other affiliated persons who have a private claim on the corporation's assets or earnings;

(c) does not accept foreign or domestic for-profit corporations as members; and

(d) does not accept in the aggregate more than 5% annually of its total revenue from foreign or domestic for-profit corporations.

(4) (5) A person who violates this section is subject to the civil penalty provisions of 13-37-128."

**NEW SECTION. SECTION 2. Voluntary spending limits.** (1)(a) Beginning January 1, 1997, the following statement may be used in printed matter and in broadcast advertisements and may appear in the voter information pamphlet prepared by the secretary of state: "According to the Office of the Commissioner of Political Practices, . . . . . is in compliance with the voluntary expenditure limits established under Montana law."

(b) The treasurer of each political committee, as defined in 13-1-101(12)(b), who files a certification on a ballot issue pursuant to 13-37-201 may also file with the commissioner a sworn statement that the committee will not exceed the voluntary expenditure limits of this section. If a sworn statement is made, it must be filed with the commissioner within 30 days of the certification of the political committee.

(c) A political committee that has not filed a sworn statement with the commissioner may not distribute any printed matter or pay for any broadcast claiming to be in compliance with the voluntary expenditure limits of this section.

(d) A political committee may not use evidence of compliance with the voluntary expenditure limits of this section to imply to the public that the committee has received endorsement or approval by the state of Montana.

(2) For the purposes of this section, the expenditures made by a political committee consist of the aggregate total of the following during a calendar year:

- (a) all loans made or received by the committee;
- (b) all committee expenditures made by check or cash; and
- (c) the dollar value of all in-kind contributions made or received by the committee.

(3) In order to be identified as a political committee in compliance with the voluntary expenditure limits of this section, the committee's expenditures, as described in

subsection (2), may not exceed \$150,000.

(4) Beginning January 1, 1997, any political committee that files with the commissioner a sworn statement to abide by the voluntary expenditure limits of this section but that exceeds those limits shall pay a fine of \$5,000 to the commissioner. This money must be deposited in a separate fund to be used to support the enforcement programs of the office of the commissioner.

**NEW SECTION. SECTION 3. Codification**

**instruction.** Section 2 is intended to be codified as an integral part of Title 13, chapter 37, and the provisions of Title 13, chapter 37 apply to section 2.

**NEW SECTION. SECTION 4. Severability.** If a part of this amendment is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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## The Complete Text of I-132

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### **Be It Enacted by the People of the State of Montana:**

#### **NEW SECTION Section 1. Purpose - Congressional Term Limits Amendment - Voter Instructions.**

(1) It is the purpose of sections 1-8 to lead to the adoption of the following **United States Constitutional Amendment**, and therefore the term "**Congressional Term Limits Amendment**" is defined for purposes of this statute as follows:

#### **CONGRESSIONAL TERM LIMITS AMENDMENT**

**Section 1.** No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

**Section 2.** No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

**Section 3.** This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.

#### **NEW SECTION Section 2. Ballot Information Regarding Congressional Term Limits - Members of Congress.**

(1) Except as provided in subsection (2), the secretary of state shall ensure that all primary and general election ballots shall have printed the information

**"DISREGARDED MONTANA VOTERS ON TERM LIMITS"** adjacent to the name of any United States

Senator or Representative who:

(a) fails to vote in favor of the proposed **Congressional Term Limits Amendment** set forth in section 1 when brought to a vote;

(b) fails to second the proposed **Congressional Term Limits Amendment** set forth in section 1 if it lacks for a second before any proceeding of the legislative body;

(c) fails to propose or otherwise bring to a vote of the full legislative body the proposed **Congressional Term Limits Amendment** set forth in section 1 if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the proposed **Congressional Term Limits Amendment** set forth in section 1;

(d) fails to vote in favor of all votes bringing the proposed **Congressional Term Limits Amendment** set forth in section 1 before any committee or subcommittee of the respective house upon which he or she serves;

(e) fails to reject any attempt to delay, table or otherwise prevent a vote by the full legislative body of the proposed **Congressional Term Limits Amendment** set forth in section 1;

(f) fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the proposed **Congressional Term Limits Amendment** set forth in section 1 regardless of any other actions in support of the proposed **Congressional Term Limits Amendment** set forth in section 1;

(g) sponsors or cosponsors any proposed constitutional amendment or law that would increase term limits beyond those in the proposed **Congressional Term Limits Amendment** set forth in section 1;

(h) fails in any way to ensure that all votes on the **Congressional Term Limits Amendment** set forth in section 1 are recorded and made available to the public.

(2) The information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" shall not appear adjacent to the names of incumbent candidates for Congress if the **Congressional Term Limits Amendment** set forth in section 1 is before the states for ratification or has become part of the United States Constitution.

**NEW SECTION Section 3. Ballot Information Regarding Congressional Term Limits - Nonincumbents' Pledge.**

(1) Non-incumbent candidates for United States Senator and Representative, and the Montana house and senate shall be given an opportunity to take a "**Term Limits**" pledge regarding Term Limits each time they file to run for such office. Those who decline to take the "**Term Limits**" pledge shall have the information "**DECLINED TO PLEDGE TO SUPPORT TERM LIMITS**" printed adjacent to their name on every primary and general election ballot.

(2) The "**Term Limits**" pledge shall be offered to non-incumbent candidates for United States Senator and Representative, and the Montana house and senate until a Constitutional Amendment which limits the number of terms of United States Senators to no more than two and United States Representatives to no more than three shall have become part of our United States Constitution.

(3) The "**Term Limits**" pledge that each non-incumbent candidate, set forth above, shall be offered is as follows:

I support term limits and pledge to use all my

legislative powers to enact the following Amendment:

**CONGRESSIONAL TERM LIMITS AMENDMENT**

**Section 1.** No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

**Section 2.** No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

**Section 3.** This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.

If elected, I pledge to vote in such a way that the designation "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" will not appear adjacent to my name.

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Signature of Candidate

**NEW SECTION Section 4. Ballot Information Regarding Congressional Term Limits - State Legislators.**

(1) The term "Application" in this Act shall be defined as an application to Congress pursuant to Article 5 of the United States Constitution passed by the senate and house

of Montana as follows:

We, the People and Legislature of the State of Montana, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article 5, to call a convention for proposing amendments to the Constitution.

(2) Except as provided in subsections (3) through (5), the secretary of state shall ensure that all primary and general election ballots shall have the information

**"DISREGARDED MONTANA VOTERS ON TERM LIMITS"** printed adjacent to the name of any respective member of the Montana house or senate who:

(a) fails to vote in favor of the application set forth in subsection (1) when brought to a vote;

(b) fails to second the application set forth in subsection (1) if it lacks for a second;

(c) fails to vote in favor of all votes bringing the application set forth in subsection (1) before any committee or subcommittee upon which he or she serves;

(d) fails to propose or otherwise bring to a vote of the full legislative body the application set forth in subsection (1) if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application set forth in subsection (1);

(e) fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body of the application set forth in subsection (1);

(f) fails in any way to ensure that all votes on the application set forth in subsection (1) are recorded and made available to the public;

(g) fails to vote against any change, addition or modification to the application set forth in subsection (1) except as may procedurally be necessary to ensure passage;

(h) fails to vote in favor of the amendment set forth in section 1 if it is sent to the states for ratification;

(i) fails to vote against any term limits amendment with longer terms if such an amendment is sent to the states for ratification.

(3) The information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" shall not appear adjacent to the names of candidates for the Montana house or senate as required by any of subsections 2(a) through 2(g) if the State of Montana has made an application to Congress for a convention for proposing amendments to the Constitution pursuant to this Act and such application has not been withdrawn or, the **Congressional Term Limits Amendment** set forth in section 1 has been submitted to the states for ratification.

(4) The information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" shall not appear adjacent to the names of candidates for the Montana house or senate as required by any of subsections (2)(h) through (2)(i) if the State of Montana has ratified the proposed **Congressional Term Limits Amendment** set forth in section 1.

(5) The information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" shall not appear adjacent to the names of candidates for the Montana house or senate as required by any of subsections (2)(a) through (2)(i) if the proposed **Congressional Term Limits Amendment** set forth in section 1 has become part of the United States Constitution.

**NEW SECTION Section 5. Appeal of Ballot Information.**  
(1) The Secretary of State shall be responsible to make an accurate determination as to whether a candidate for the federal or state legislature shall have placed adjacent to his or her name on the election ballot the information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" or "**DECLINED TO PLEDGE TO SUPPORT TERM LIMITS**."

(2) The Secretary of State shall consider timely submitted public comments prior to making the determination required in subsection (1) and may rely on such comments and any information submitted by the candidates in making the determination required in subsection (1).

(3) The Secretary of State, in accordance with subsection (1) of this section shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent state and federal legislator if he or she was to be a candidate in the next election. In the case of United States Representatives and United States Senators, this determination and declaration shall be made in a fashion necessary to ensure the orderly printing of primary and general election ballots with allowance made for all legal action provided in subsection (5) and (6) below, and shall be based upon each member of Congress's action during their current term of office and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election. In the case of incumbent state legislators, this determination and declaration shall be made not later than (30) days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election.

(4) The Secretary of State shall determine and declare what information, if any, will appear adjacent to the names of non-incumbent candidates for the state and federal legislatures, not later than five (5) business days after the deadline for filing for the office.

(5) If the Secretary of State makes the determination that the information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" or "**DECLINED TO PLEDGE TO SUPPORT TERM LIMITS**" shall not be placed on the ballot adjacent to the name of a candidate for the federal or state legislature, any elector may appeal such decision

within five (5) business days to the Montana Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this Act and therefore should not have the information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" or "**DECLINED TO PLEDGE TO SUPPORT TERM LIMITS**" printed on the ballot adjacent to the candidate's name.

(6) If the Secretary of State determines that the information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" or "**DECLINED TO PLEDGE TO SUPPORT TERM LIMITS**" shall be placed on the ballot adjacent to a candidate's name, the candidate may appeal such decision within five (5) business days to the Montana Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the candidate to demonstrate by clear and convincing evidence that he or she should not have the information "**DISREGARDED MONTANA VOTERS ON TERM LIMITS**" or "**DECLINED TO PLEDGE TO SUPPORT TERM LIMITS**" printed on the ballot adjacent to the candidate's name.

(7) The Supreme Court shall hear the appeal provided for in subsection (5) and issue a decision within 60 days. The Supreme Court shall hear the appeal provided for in subsection (6) and issue a decision not later than 61 days before the date of the election.

**NEW SECTION Section 6. Supreme Court Jurisdiction.**  
Any legal challenge to this Act shall be filed as an original action before the Supreme Court of this state.

**NEW SECTION Section 7. Severability.** If any portion, clause, or phrase of this Act is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.

***What is the Voter Information Pamphlet?***

The Voter Information Pamphlet (or VIP) is a publication printed by the Secretary of State to provide Montana voters with information on statewide ballot measures. The Secretary of State distributes the pamphlets to the county election administrators who mail a VIP to each household with a registered voter.

***Who writes the information in the VIP?***

The Attorney General writes an explanatory statement for each measure. The statement, not to exceed 100 words, is a true and impartial explanation of the purpose of each measure in easy to understand language. The Attorney General also prepares the fiscal statement, if necessary, and for and against statements for each issue.

Pro and con arguments and rebuttals are written by the members of the appropriate committee. Arguments are limited to 500 words and rebuttals to 250 words.

(Statements over these limits are printed only up to the 500th or 250th word. All statements are printed verbatim.)

***What if I can't vote on election day?***

You can vote an absentee ballot if you cannot get to the polls because you: 1) expect to be absent from your precinct or county on election day, 2) are physically

incapacitated, 3) suffer from chronic illness or general ill health, 4) are a handicapped or elderly voter assigned to an inaccessible polling place, or 5) have a health emergency between 5 p.m. on November 1st and noon on election day.

If you qualify for an absentee ballot, contact your county election administrator (usually the clerk and recorder) to request an absentee ballot application. Absentee ballots may be requested starting August 22nd. Absentee ballot applications, except for health emergencies, will be accepted up to noon the day before the election.

***How can I find out if I am registered?***

If you have voted since the last presidential election, you are still registered to vote. If you are not sure if you are or where you are registered, you should contact your county election administrator.

The registration deadline for the general election is October 7th.

***Who is eligible to register?***

Anyone who is a citizen of the U.S., at least eighteen years of age, and a resident of Montana and the county for thirty days by the date of the election may register to vote.

Additional copies of this Voter Information Pamphlet are available upon request from your county election administrator or the Secretary of State, 1-888-884-VOTE (8683).

525,000 copies of this public document were published at an estimated cost of \$0.06 per copy, for a total of \$31,431.75 which includes \$31,431.75 for printing. Distribution costs paid for by county governments. This document printed on recycled paper.

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**COUNTY ELECTION ADMINISTRATOR**  
**County Courthouse**

**DO NOT FORWARD**

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